

Serial No. 10/696,374

Remarks

Examiner Levy is thanked for his careful review of the present patent application. It is believed that the claims are in proper form for allowance.

The cited art fails to disclose or suggest compacted particles. Specifically, Henderson et al., EPO 469690 does not disclose or suggest discrete plural compacted particles. "Ampofo-95" likewise does not disclose compacted particles. Similarly, Munson et al., U.S. Patent 5,609,880, fails to disclose compacted particles.

The § 103 rejection cannot apply to the pending claims and should not be repeated. Ampofo-95 is directed toward the use of spent grain as a fermentation medium, and does not seem to suggest, alone or in combination with any other reference, the subject matter of any of the pending claims. The combination of this reference with Munson et al. is not proper. In Ampofo, brewers' spent grain is mixed with anchovy and beans for maize to form a fermentation medium to promote growth of bacteria. In Munson, corn germ is said to be useful as a feeding stimulant for insects such as beetles. These uses are widely disparate from one another.

Moreover, even if this combination of references were fairly permissible, the combined references still fail to disclose or suggest compacted particles. There would be no reason to modify the fermentation medium of Ampofo, nor the feeding stimulant of Munson.

Examiner Levy is also presently examining the parent of the present application, Serial No. 10/172,588. In that application, the Examiner will recall, an Office Action was mailed November 18, 2005, in which Office Action certain references were cited. It is not believed necessary to submit an Information Disclosure Statement for purposes of citation of those references, in light of the relationship of the prior application as the parent of the present application. The references cited in the November 18, 2005 Office Action are not believed to disclose or suggest, alone or in combination with any references of record, the subject matter the claims pending in the present application.

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CONCLUSION

For these reasons, allowance is respectfully solicited.

Respectfully submitted,

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Dated: December 29, 2005

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